

## RDMD/Planning and Development Services

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** August 18, 2005

**TO:** Orange County Zoning Administrator

**FROM:** Resources and Development Management Department/Land Use Services Division

**SUBJECT:** Public Hearing on Planning Application PA05-0026 for a Site Development Permit for an Alternative Development Standard, pursuant to the Coto de Caza Specific Plan

**PROPOSAL:** Request for approval of a side yard structural setbacks as close as 6 feet 6 inches to the property line, where 8 feet is required, to facilitate the construction of a two-story room addition. The subject site is located in the Coto de Caza unincorporated area.

**LOCATION:** 8 East Ridge, Coto De Caza, within the Fifth Supervisorial District

**APPLICANT:** Edward Carter, property owner

**STAFF** Yosh Kawasaki, Staff Planner

**CONTACT:** Phone: (714) 834-4389 FAX: (714) 667-8344

**SYNOPSIS:** PDS/Current and Advance Planning Service recommends Zoning Administrator approval of Site Development Permit Application No. PA05-0026, for a Variance subject to findings and conditions attached.

### **BACKGROUND:**

The subject site was originally developed in 1988. It is presently an approximately 2,500 square foot, single family home with a 660 sq. ft. attached 3-car garage, on an approximately 10,000 square foot lot. The property has never received any form of discretionary permit in the past, in as much as it complied when constructed with the terms and provisions of the Coto de Caza Specific Plan Amendment Two "Low Medium Density" Zoning in place at the time (side yard setbacks were 0 feet "from any side or rear property line not abutting a street"), and otherwise complies with all development standards of the current Coto de Caza Specific Plan Amendment Three "Low Density" Zoning.

**SURROUNDING LAND USE:**

Direction	Land Use Designation	Existing Land Use
Project Site	Coto de Caza Specific Plan “Low Density” Zoning	Single family dwelling
North	Coto de Caza Specific Plan “Low Density” Zoning	Single family dwelling
South	Coto de Caza Specific Plan “Low Density” Zoning	Single family dwelling
East	Coto de Caza Specific Plan “Low Density” Zoning	Single family dwelling
West	Coto de Caza Specific Plan “Low Density” Zoning	Single family dwelling



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A notice of hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the site, and as required by established public hearing posting procedures. In addition, a copy of the planning application and a copy of the proposed site plan were distributed for review and comment to the Coto de Caza Specific Plan Board of Review, which indicated on May 5, 2005 that it had “no comment”.

## **CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from its requirements (Class 5, minor alterations in land use such as a setback variance).

## **DISCUSSION/ANALYSIS:**

The homeowners are seeking approval of an alternative development standard for side yard structural setback to facilitate the construction of a new/expanded living room, family room, and new entry cupola, adding approximately 500 square feet of 1<sup>st</sup> floor living space. RS051001 has concurrently been filed for a residential room addition on the first and second floors, including the expansion of the living room, family room and new entry cupola which totals 1,169 square feet added to the existing approximately 2,500 square foot house. Approximately 240 square feet of the new addition encroaches into the setbacks.

The existing home was conforming to the Coto de Caza Specific Plan Amendment Two "Low Medium Density" Zoning when constructed in 1988, where side yard setbacks were 0 feet "from any side or rear property line not abutting a street".

The proposal is for portions of the room addition/expansion to be as close as 6 feet against the side property line, where 8 feet is required by present zoning, and a roof eave setback of 4 feet 6 inches, which would be permitted as a standard roof eave setback. The enlarged single family residence would cover approximately 28% of the lot. The applicable land use district allows Building Site (lot) Coverage to a maximum of 40%. The dwelling is on a triangular lot with the easterly side of the dwelling parallel to the easterly property line. The expansion of the family room, towards the backyard, follows the existing profile of the easterly side of the dwelling at a 6 foot setback. The expansion of the living room area extends towards the front approximately 9 feet, following the line of the westerly side of the dwelling encroaching 2 feet into the side setback. The easterly side of the dwelling was originally built to 6 feet setback, the requested 6 feet setback for both side yards does not exceed this existing condition. Further, the proposed additions maintain the lines of the existing dwelling.

In terms of the appropriate considerations for this request, Coto de Caza Specific Plan Section III.1.2.Q. refers to the need to find that the proposed alternative development standard is "superior" to the alternative of forced compliance to the regulatory standards. One circumstance mentioned as a possible justification is the "architectural nature of the community which has been established". In this case, the entire neighborhood was constructed with side yard setbacks less than that which is being proposed for this area of room addition. Therefore, approval of the modified standard would not be a grant of special privilege not already enjoyed by neighboring lots.

It is also noted that, as a "variance", justification would exist solely in the irregular shape of this lot, the irregular topography on this lot, all of which limit the opportunity for additions which fully comply with current land use regulations. In terms of special preference, it is also noted the entire neighborhood was constructed with side yard setbacks less than that being proposed for this area of the addition.

**RECOMMENDED ACTION:**

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA050026 for a site development permit allowing an alternative side yard structural setback standard, subject to findings and conditions of approval.

Respectfully submitted,

signature on file

Charles Shoemaker, Chief  
RDMD/Current and Advance Planning

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Project Plans (Site Plan, Floor Plan and Elevation)
3. Color Photographs (Zoning Administrator's copy only)

**ATTACHMENTS:**

- A. Findings of Approval
- B. Conditions of Approval

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.